

### **REMARKS**

Claims 1-15 are all the claims pending in the application. Claims 2-4, 12, and 14 have been amended, and new Claim 16 has been added, to further define the claimed invention. It is believed and intended that no new matter has been added by this amendment. Reconsideration and allowance of all claims are requested in view of the following remarks.

The Examiner has not yet indicated acceptance of the drawings filed on May 1, 2002. The Applicant respectfully requests such indication.

The Applicant gratefully acknowledges the Examiner's indication that Claims 5 and 8-10 contain allowable subject matter, but has not rewritten these claims in independent form because of the belief that the independent claims are allowable as written.

#### **Rejections under 35 U.S.C. § 112**

Claim 2 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner points out an antecedent basis issue and a positive claiming issue. Claim 2 has been amended to overcome this rejection. In addition, similar amendments were made to Claim 14.

#### **Rejections under 35 U.S.C. § 102**

The Examiner rejected Claims 1-4, 6, 7, 12, and 15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,071,119 to Christoff et al. (hereafter referenced as '119). The Applicant respectfully traverses this rejection for at least the following reasons.

The present application relates to an orthodontic bracket having a base 11, a bracket main body 12 furnished on the base 11, and a band-like clip 16. The bracket main body 12 has an archwire slot 14, into which an archwire 13 is inserted, and supports a cover portion 19 having a covering claw 21. A guiding part 15 is formed in at least one of the bracket main body 12 and the base 11. The band-like clip 16 is curved in a substantially U-shape when the clip 16 is attached to the main bracket body 12 by the insertion of one end of the band-like clip 16 into the guiding part 15 and the engagement of a locking claw 20 (formed in the other end of the band-like clip 16) with the covering claw 21.

With reference to Figs. 15-17, as relied upon by the Examiner, '119 discloses an orthodontic bracket 20g having a latch 32g for releasably retaining an archwire 40g in an archwire slot 30g of the bracket 20g (col. 1, lines 8-10). The bracket 20g includes a base 22g and a body 24g (col. 14, lines 20-23). The latch 32g is preferably not fixed to the bracket body 24g but is retained in a channel 54g by the base 22g (col. 14, lines 38-43).

However, '119 does not disclose a band-shaped clip curved in substantially U-shape in its cross section when the clip is attached to the bracket main body, as presently claimed. First, '119 explicitly teaches that the clip is *not* attached to the bracket body but, instead, is attached to itself; both catch 66g and notches 64g, 65g are on band 32g (col. 14, lines 39-40 and Figs. 16-17). Second, '119 also discloses that the latch when closed has a ring-shaped configuration and encircles a central portion of the body (col. 14, lines 34-36). Third, the Examiner references element 64g and 65g shown in Figs. 15-17 of '119 as being covering claws analogous to those presently claimed, which is simply not true; these elements are notches and not claws.

Therefore, the Applicant respectfully requests withdrawal of the rejection of Claim 1 under 35 U.S.C. § 102(e).

New Claim 16 has been added to further define the present invention. Support for this additional claim is provided at least in Figs. 1-3B, 9, and 12-14B. Also, MPEP 716.02(f) permits the introduction of remarks concerning the advantages of the Claim 16 embodiment, even in the absence of such language in the specification. In this regard, easy access to the archwire slot on the labial side of the bracket, rather than requiring that the orthodontist work with the small and partially hidden latch on the gingival or occlusal side of the bracket, is an example of such an advantage.

The Applicant does not address at this time the Examiner's rejection of Claims 2-4, 6, 7, 12, and 15 under 35 U.S.C. § 102(e) because each of those claims depends upon Claim 1, which is believed to be allowable over the art of record.

Nevertheless, the Applicant respectfully traverses this rejection as it applies to Claim 6 for the following additional reasons. First, '119 Fig. 3 does not show the cover portion having a claw, as is presently claimed. Instead, the element 44 of '119 is a wall that acts in a manner similar to the wall/cover 107 in Figs. 14A and 14B of the present application. Second, the cover portion of the claimed invention is integrally formed with the main body, as set forth in Claim 6, in contrast to the separate '119 cover portion (presumed to be element 65g of Fig. 16). Consequently, the Examiner is respectfully requested to withdraw the rejection of Claims 2-4, 6, 7, 12, and 15 under 35 U.S.C. § 102(e).

The Examiner rejected Claims 1-4, 6, 13, and 15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5, 906, 486 to Hanson (hereafter referenced as '486). The Applicant respectfully traverses this rejection for at least the following reasons.

'486 discloses an orthodontic bracket which comprises a ligating spring means (col. 1, lines 6-7). The spring member has a free end part 48. A slot 60 is provided for ease of manufacturing a parallel surface 58 used to provide advantageous geometry to the bracket (col. 8, line 64 through col. 9, line 17).

'486 does not disclose a locking claw and a covering claw being brought in engagement with each other at a mutual locking position, as presently claimed. Instead, the elements assumed by the Examiner to be the covering claw (slot 60) and locking claw (free end part 48) are never shown in the Figures as being mutually engaged, and there also is no such teaching in the text of '486. The only engagement mentioned with respect to the free end part 48 is that it is engaged with a parking land 50 when the bracket is opened for access to the archwire (col. 7, lines 52-55). Therefore, the Examiner is respectfully requested to withdraw the rejection of Claim 1 under 35 U.S.C. § 102(b).

The Applicant does not address at this time the Examiner's rejection of Claims 2-4, 6, 13, and 15 under 35 U.S.C. § 102(b) because each of those claims depends upon Claim 1, which is believed to be allowable over the art of record. Accordingly, further commentary is unnecessary.

**Rejections under 35 U.S.C. § 103**

The Examiner rejected Claims 2 and 14 under 35 U.S.C. § 103(a) as being unpatentable over ‘119 in view of U.S. Patent No. 4,712,999 to Rosenberg (hereafter referenced as ‘999). Claims 2 and 14 each depend upon Claim 1, which is believed to be allowable over the art of record, and ‘999 fails to cure the above-noted deficiencies in ‘119.

The Examiner rejected Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over ‘119 in view of the knowledge of one skilled in the art. Claim 11 depends upon Claim 1, which is believed to be allowable over the art of record, and the knowledge of one skilled in the art fails to cure the above-noted deficiencies in ‘119.

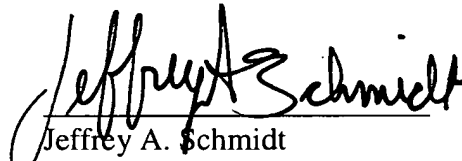
The Examiner is respectfully requested to withdraw the rejections of Claims 2, 11, and 14 under 35 U.S.C. § 103.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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